

REMARKS

In the Office Action¹, the Examiner took the following actions:

rejected claims 1-2, 5-17, 30-31, and 34-54 under 35 U.S.C.
§ 112, first paragraph; and

allowed claims 3, 4, 32, and 33.

Applicants have amended claims 1, 5, 7, 10, 12, 16, 30, 32, 34, 36, 39, 41, 45, 51, and 53. Claims 1-17 and 30-54 remain pending in this application.

Rejection of claims 1, 2, 5-17, 30, 31, and 34-54 under 35 U.S.C. § 112, first paragraph

Regarding the rejection of claims 1, 2, 5-17, 30, 31, and 34-50 under 35 U.S.C. § 112, first paragraph, the Examiner maintained that, “[t]he original specification does not support the concept of making the selection of the medium based on a communication protocol.” See Office Action, page 2. The Examiner stated that “The actual profile used on the network is not recited as a deciding factor in selecting the network.” See Office Action, page 3.

While Applicants disagree with the Examiner’s rejection, Applicants have amended claims 1, 5, 7, 10, 12, 16, 30, 34, 36, 39, 41, and 45 to replace “medium” with --channel-- in an effort to further prosecution. Applicants submit that selecting a channel “based on the communication profile” is fully supported by the specification.

The following excerpts from Applicants’ specification are examples of teachings which render the claims in full compliance with 35 U.S.C. § 112, first paragraph:

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Communication profiles are the detailed communication parameters that must be utilized by one network entity wishing to communicate with another network device operating on the ICS network (Specification at page 8, lines 8-11).

The ICS module operating on the point of care terminal or the ICS network, scans all the available PCMCIA communication channels and selects the optimum channel to establish the connection. To accomplish this function, the ICS module interfaces with a communication profile database to retrieve communication profile data and other interface parameters of the receiving station (Specification at pages 10-11, lines 27-5).

Local ICS module 304 provides the point of care terminal with the capability to communicate with network servers (40 and 42) and the ICC database server 50 using several attached communication channels. ICS module 304 evaluates the user's location relative to the wireless Ethernet installed inside of the hospital, and performs the functions necessary to establish the most economical and efficient data communication link based on the user's location (Specification at page 15, lines 18-23).

Table 1 is an example of communication profiles that may be stored in either the local ICS module (304 or 404) or the network ICS module 515" (Specification at page 23, lines 26-28).

The communication profiles may include the type of protocol (Specification at page 24, lines 1-2). The communication protocol is part of the communication profile and the communication protocol is used in making the selection of the channel. Applicants submit that these passages, among others, enable the claimed limitation.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 2, 5-17, 30, 31, and 34-50 under 35 U.S.C. § 112, first paragraph.

Regarding the rejection of claims 51-54 under 35 U.S.C. § 112, first paragraph, the Examiner maintains that, "a second attempt to establish communication via a remote wireless network if the first attempt fails . . . is not supported in the original specification" (Office Action at page 3). This is not correct.

While Applicants disagree with the Examiner's rejection, Applicants have amended claims 51 and 53 in an effort to expedite prosecution. Applicants submit that a second attempt to establish communication via a remote wireless Ethernet network, or a cellular transmission network, or a portable radiotelephone transceiver is supported by the specification.

The Specification states, “[i]f a communication link cannot be established, the local ICS module then attempts to initiate a communication link via the portable radiotelephone transceiver 308” (Specification at page 16, lines 8-10), and further states, “[i]f the communications profile for the desired network server is not stored on-board the point of care terminal (20 or 22), the ICS module 304 initiates communication with the ICC database server 50 utilizing the same scheme previously discussed (i.e. local wireless Ethernet, then remote wireless Ethernet, and then PSTN)” (Specification at page 16, lines 20-23). In other words, if the first attempt fails, a second attempt via “remote wireless Ethernet” is initiated. Applicants submit that these passages, among others, enable the claimed limitation. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 51-54 under 35 U.S.C. § 112, first paragraph.

Claims 30, 32, 36, and 41 have been amended to address minor matters of form.

CONCLUSION

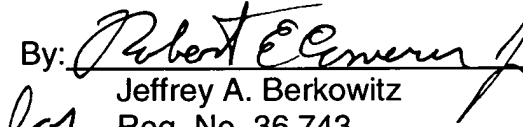
In view of the foregoing amendment and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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